

CITY OF ALAMO HEIGHTS  
CITY COUNCIL  
May 11, 2009

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Council Chambers, 6120 Broadway, at 5:30 p.m. on Monday, May 11, 2009.

Present and composing a quorum were:

Mayor Louis Cooper  
Mayor Pro-Tempore Jill Souter  
Councilman Stan McCormick  
Councilman Bobby Rosenthal  
Councilman Bill Kiel  
Councilwoman Susan Harwell

Also attending were:

Assistant City Manager/Public Works Director Shawn P. Eddy  
City Attorney Mike Brenan  
Assistant to City Manager/Information Technology Manager Marian Ramirez  
Finance Director Cynthia Barr  
Community Development Director Ann McGlone  
City Secretary Jennifer Reyna  
Fire Chief Bill Hagendorf  
Police Chief Rick Pruitt

Absent was:

Human Resource Manager/Deputy City Secretary Judith E. Surratt

\* \* \*

Mayor Louis Cooper opened the meeting at 5:36 p.m.

Mayor Cooper announced that the public hearing would be conducted after the approval of the minutes.

\* \* \*

Mayor Cooper asked City Council for any corrections to the minutes of the April 27, 2009, City Council Meeting. A motion was made by Councilwoman Susan Harwell to approve the minutes of April 27, 2009 as amended. The motion was seconded by Councilman Stan McCormick and passed by unanimous vote.

\* \* \*

**Item # 6      Public Hearing and Presentation of the Comprehensive Plan**

Community Development Director Ann McGlone presented a PowerPoint on the proposed Comprehensive Plan. Ms. McGlone informed Council that the ideas gathered from numerous neighborhood meetings and a Community Design Workshop shaped the vision of the Comprehensive Plan.

The PowerPoint presentation summarized improvements to the public realm which include creating a more pedestrian friendly environment and vibrant community center. To address conflicts in the existing Multi-Family District, the plan proposes 3 new overlays zones to better integrate multi-family complexes with existing single family residences. The plan also proposes new development standards for the commercial corridor and modifications to the single family residential zones that addresses differences in neighborhood character. Ms. McGlone described proposed improvements that address the flooding issues on Broadway and Austin Highway.

To enhance the connectivity of the community, the plan proposes a streetcar, a circulator trolley, bicycle routes and walking routes. Proposed new green spaces include dog parks, walking tracks, pocket parks, green belts and community gardens. The plan also calls for the restoration of the wooded median at Alamo Heights Boulevard. The adoption of a historic preservation ordinance, a dark sky ordinance to control light pollution and glare, and strengthening of the tree preservation ordinance are recommended as part of the plan.

Ms. McGlone informed City Council that the Comprehensive Plan addresses economic sustainability and suggests providing technical assistance to local business, creating incentives to attract desirable businesses and establishment of a public/private partnership to manage economic development initiatives.

Ms. McGlone reminded the community that it is a 15-year implementation plan. Funding will be provided through various funding resources depending on the specific project. The plan recommends that the City explore all possible funding opportunities including working with regional partners, public/private development agreements, pursuit of grants and consideration of improvement districts.

Ms. McGlone presented the schedule for adoption of the Comprehensive Plan. The Planning and Zoning Commission will hold a meeting on May 18, 2009 to take action on the plan, and the plan will return to City Council on May 26, 2009 for adoption.

Ms. McGlone thanked the original Economic Development Task Force for their vision and foresight. She thanked the 30 Alamo Heights design professionals who volunteered their time and expertise throughout the process. Ms. McGlone also thanked Overland Partners who prepared the original concept drawings of making Broadway Street a great street. Ms. McGlone reiterated that the Comprehensive Plan is about making change without change, moving forward and looking ahead to the future.

A public hearing was conducted at 6:02 p.m.

Margaret Houston, 140 Patterson Avenue, shared a brief history of the Councilmembers seeking creation and implementation of this plan.

Mayor Cooper thanked Ann McGlone for her great work.

Mayor Pro Tem Jill Souter thanked City Manager Rebecca Waldman for hiring Ann McGlone. Mayor Pro Tem Souter mentioned that Ms. McGlone worked on this project with limited resources and was still able to include everyone in the public participation and input process.

Councilman Stan McCormick complimented Ms. McGlone for the work in the focusing of a vision for the City of Alamo Heights. This was an excellent opportunity for staff, the Council and the community to work more closely together.

Ms. McGlone announced that the Comprehensive Plan is displayed on the website and CD's are available at no cost. Hard copies are available for an exact cost of \$37.50 to cover the cost of reproduction.

\* \* \*

Mayor Cooper announced that the City Manager's Report would be next on the agenda. Mayor Cooper announced due to technical difficulty, the City Manager's Report would be considered shortly.

\* \* \*

Citizens To Be Heard Concerning Non-Agenda Items – There were none

\* \* \*

Consent Items

Mayor Cooper read the following captions.

*Item # 4*      **Request for permission to refund duplicate or erroneous property tax payment to Joe and Jill Golden, owners of property at 121 Harrison Avenue, in the amount of \$1,187.20**

*Item # 5*      **Request for permission to refund a duplicate or erroneous property tax payment to WJP, Inc. at 5800 Broadway, Suite 300, in the amount \$621.79**

Staff recommendation was approval of each consent item. A motion for approval was made by Mayor Pro Tem Souter to approve consent item # 4 and item # 5. The motion was seconded by Councilman McCormick and passed by unanimous vote.

\*

\*

\*

Items for Individual Consideration

Item # 7 Mayor Cooper read the following caption.

**A request for a Demolition Permit for 233 Wildrose Avenue by Emery Lee Delavan Jr., owner, represented by John Grable, FAIA, to demolish the existing two-story detached two-car garage for the purpose of constructing a one-story detached two-car garage with breezeway on a property zoned Single Family – A**

Community Development Director Ann McGlone made a PowerPoint presentation that included photos, an existing site plan and a proposed site plan. The Board of Adjustment granted a variance for the proposed garage. Ms. McGlone advised City Council that staff recommended approval.

A motion for approval was made by Mayor Pro Tem Souter. The motion was seconded by Councilman Bill Kiel and passed by unanimous vote

\*

\*

\*

Item # 8 **A request for a Demolition Permit for 416 College Boulevard by Roslyn Mazal, owner, to demolish 63% of a roof of an existing garage for the purpose of constructing a new second story addition on a property zoned Single Family – A**

Mayor Cooper announced that Item #8 was postponed until the June 8, 2009 City Council meeting.

\*

\*

\*

Mayor Cooper announced that the City Manager's Report would be presented by Shawn Eddy, Assistant City Manager/Public Works Director and returning to Items for Individual Consideration.

Item # 2 *City Manager's Report*

**a. Update and presentation provided at the Alamo Heights Neighborhood Association (AHNA) meeting on May 5, 2009**

Assistant City Manager/Public Works Director Shawn P. Eddy presented a compilation of PowerPoints that were presented at an Alamo Heights Neighborhood Association meeting on May 5, 2009. Mr. Eddy provided information on several projects that included the temporary

fire building, elevated water tank, water/sewer compliance issues and the reconstruction of E. Castano Avenue.

Councilman McCormick inquired if the estimates for the temporary fire station were provided by Freese and Nichols. Mr. Eddy stated that the estimates were developed with assistance from Freese and Nichols and from estimates provided by subcontractors contacted by staff. Mr. Eddy also confirmed that the only known cost at the time the City Council approved the project were the cost of the building and the cost of the engineer. The remainder of the costs were not known until the project was competitively bid.

Mr. Eddy stated the reasons for purchasing the new fire truck included the fire engine reaching its 20-year lifespan which caused it to be in non-compliance with NFPA safety guidelines. The combined GPM (gallon per minute) pumping capacity of both fire engines fell short as identified by ISO at the 1991 audit.

Mr. Eddy reported that the elevated tower tank is necessary to comply with Texas Commission on Environmental Quality (TCEQ) requirements to provide a minimum of 200 gallons of storage per effective connection. The composite elevated water was chosen due to the limited size of the site, lower construction cost due to less steel and lower maintenance cost to less painted surface.

Mr. Eddy stated that the expenditure of the elevated water tank was funded from the approved 2007 Certificates of Obligation in the amount of \$1,869,673.00 and \$972,134.20 from the Unreserved Fund Balance of the Utility Fund. PBS&J and Freese and Nichols believed the cost of the actual elevated water tank was much higher due to the limited size of the site and increased cost of steel.

Mr. Eddy shared that a competitive bid process had recently been conducted in Marble Falls, Texas by PBS&J. He reported that the winning bid was only about 6% per gallon higher than what the City was paying and the Marble Falls site was a much easier site to build on indicating that the construction costs for elevated water tanks has not decreased significantly.

Councilman Kiel asked Mr. Eddy to confirm that, although the City had initially received proposals from vendors to build the water tower for a lower cost, the City could not enter into such a contract without conducting a competitive process. Mr. Eddy also added that those initial estimates would likely have required significant change orders and would have increased the final cost of the water tower.

Mr. Eddy stated that City Staff and Engineers developed a 10-year plan to met TCEQ regulations for the water and sewer compliance issues in concurrence with the Street Maintenance Program. Mr. Eddy estimated the construction costs to be about \$400,000 per year or approximately \$4 million. Mr. Eddy reported that the estimates were developed by the Engineers and did not include the cost of asphalt overlay over the new trenches, which are anticipated to be included in the 20-year Street Maintenance Plan, or escalations in cost as the work was done over a period of time. Mr. Eddy stated that most likely there will be increases of

cost over time, depending on the length of the program. Mr. Eddy stated that not all lines have proximity issues.

Mr. Eddy briefly reviewed a timeline for the review of the water and sewer proximity issue with the Infrastructure and Services Committee and explained that the CIP update presentation was what was reviewed on April 7, 2009.

Mr. Eddy then provided a timeline on the reconstruction of East Castano from Vanderhoven to N. New Braunfels. Mr. Eddy reported that although the project was completed 45 days late, it is anticipated to come in under budget.

The City Council decided to proceed with 2b of the City Manager's Report and hold questions to follow the presentation.

#### **b. Update on TCEQ exception for proximity of water and sewer lines**

Mr. Eddy announced that the City of Alamo Heights is consulting with Gene Dawson, Jr., President of Pape-Dawson Engineering on the exception process. Mr. Eddy reported that the request for the exception was not an unusual circumstance and noted several other communities have recently been addressing the same issue. Mr. Eddy noted that a meeting is to be scheduled with TCEQ to discuss the proposed exception and to request more time and flexibility to address the water and sewer proximity issues.

Councilman Rosenthal asked Mr. Eddy to explain what services were included in the initial \$925,000 estimated cost for the water tower. Mr. Eddy responded that in August 2007, there was a CIP estimate of \$950,000 to build a water tower. It did not include the painting of the 300 gallon water tower, SCADA, substantial yard and street piping improvements or additional construction costs related to the location.

Councilman Rosenthal stated that he understood the process of bringing items before Council and accepted steps had to be taken by staff prior to presenting the matters to Council, and that, in this case the water and sewer issues had been addressed with the Infrastructure and Services Committee.

Councilman Kiel stated that in late January 2009, noncompliance was initially reported to the City. Councilman Kiel explained that it took two months to confirm if the 4/2 rule for water and sewer was applicable for these locations. He also expressed hope that SAWS may be willing to lower its main in N. New Braunfels to accommodate the 4/2 rule in more locations.

Councilman Kiel further stated that if an exception is obtained, projects will be connected with the street maintenance program (20-year program). The exception allows the municipality to look at other options to allow utilities to stay in the alley through new technology and special sleaving.

Councilman Rosenthal asked if the cost estimate to relocate the water lines included costs related to connection and the elevation issues. Mr. Eddy responded that the Engineer's estimate were generally conservative and did include some costs for boring certain water lines where trenching was not possible or advised.

Mr. Eddy informed City Council about the relocation of water/sewer lines in Olmos Park. Finance Director Cynthia Barr, who was living in Olmos Park at the time of the project, shared that the relocation of the lines were done within a day and it went smoothly.

Councilman McCormick asked if City Staff and TCEQ were aware of the of the non-compliance issue prior to January 26, 2009. Mr. Eddy responded that City staff were not aware of the issue prior to January 26, 2009. Freese and Nichols identified the noncompliance issue and consulted with the TCEQ at that time.

Mayor Cooper shared that Gene Dawson Jr. mentioned that the City of Alamo Heights followed the appropriate process and has maintained a good working relationship with TCEQ. Mayor Cooper stated that Gene Dawson Jr. noted that the City does not have any safety violations and this is helpful in negotiations for an exception.

Mayor Pro Tem Souter asked Mr. Eddy if this affects the entire City of Alamo Heights. Mr. Eddy replied negatively and described the affected areas largely as Sylvan Hills, Blue Bonnet Hills, a portion of the multi-family district and a few alleys in the southeast portion of the city. Mayor Pro Tem Souter recommended on future postings related to water lines in the alleys, to provide the location. Mr. Eddy agreed to consider more descriptive captions for future postings.

Mayor Pro Tem Souter asked about the new 16 inch pipe along Broadway Street and if it will extend up to Claywell Street. Mr. Eddy answered affirmatively and also stated there are several water replacements along N. New Braunfels, north and south of Austin Highway, north on Broadway Street which include the installation of a 16 inch water line from Blue Bonnet north to Claywell Street. Mayor Pro Tem Souter inquired if the cost of the 16 inch water main is included in the cost of the water tower. Mr. Eddy responded no, however, it does include yard piping out to Blue Bonnet Boulevard and Broadway Street. The piping will be included in a future project, once the exception is approved.

Mayor Pro Tem Souter asked if there will be an increase to the sewer rates due to this addition to the Capital Improvement Projects. Mr. Eddy stated that this issue would be discussed during the budget process but offered if so, it is anticipated to be minimal.

Mayor Pro Tem Souter asked about relocating the water lines and meter out to the street. Mayor Pro Tem Souter asked if the main water line would be looped due to a pool or water softener. Mr. Eddy responded that the sites would be evaluated on a case-by-case basis. Mr. Eddy shared that the meter may be in the front or rear.

Mayor Pro Tem Souter asked what was included in the total \$2.841 million cost of the water tower. Mr. Eddy replied that it consists of the new 600,000 gallon tank, painting of the 300,000 gallon water tank, SCADA system, yard and Blue Bonnet piping and an 8% contingency.

Mayor Pro Tem Souter asked if site work was included in the cost of the temporary building at \$195,000.00. Mr. Eddy provided a breakdown of the purchase of the temporary building. Councilman McCormick asked if the temporary building was going to be sold. Mr. Eddy stated that the temporary building was expected to be sold and that there would be cost savings for the new facility project since the grading for a new facility has already been completed.

Councilmember Rosenthal suggested that when the City posts notices for the water and sewer issues that the City may be careful in mentioning specific neighborhoods.

Mayor Pro Tem Souter asked Mr. Eddy if the water/sewer proximity lines will be part of a long-term implementation plan and paid by the water and sewer fees. Mr. Eddy confirmed that the project will be paid by water and sewer fees, if an exception from TCEQ is granted.

Councilwoman Harwell asked if the water line on Broadway was required by TCEQ. Mr. Eddy stated the water lines on Broadway Street and N. New Braunfels, north and south of Austin Highway, are being replaced to increase the capacity of the lines and address dead end mains. TCEQ is not requiring the replacement of water lines, however, they are requiring the City to address the storage issue. Mr. Eddy stated that water pressure and storage complement each other.

Councilwoman Harwell shared information concerning the City of San Antonio's school districts not receiving regular certification from the San Antonio Fire Department addressing safety. Councilwoman Harwell is proud of the City of Alamo Heights Fire Department for being thorough and efficient with the schools of Alamo Heights on safety. Fire Chief Bill Hagendorf stated that the schools within the City of Alamo Heights boundaries have been inspected regularly and conducted periodic inspections on the mechanical and fire equipment. Councilwoman Harwell expressed concern about the Alamo Heights High School area and the need for increased water pressure. Fire Chief Bill Hagendorf shared there was been work done by the Public Works Department that have increased water and gallon per minute flow pressure at the high school.

Councilman Kiel questioned the status of the results from the ISO audit. Fire Chief Bill Hagendorf stated that the ISO audit was performed in March 2009 and preparation for the audit takes years to achieve. Currently, there are preliminary results and they are being reviewed. Results will be presented to Councilmembers within the next 30-45 days. Fire Chief Hagendorf stated that based on the information received, Councilmembers and residents should be pleased with the ratings.

The following citizens spoke on this matter:

Margaret Houston, 140 Patterson Avenue, asked why the City was not able to proceed with the N. New Braunfels Avenue and Broadway Street project.

Mr. Eddy stated that the City is not able to proceed with the overlay project until the water lines are installed.



Suzy Bettac, 126 Rosemary Avenue, asked for clarification on the exception from TCEQ and if the City is requesting a 20-year implementation plan. Ms. Bettac asked if the sewer lines were staying in the alleys. Ms. Bettac believed that the cost of the relocation of the water lines would most likely be \$6 million dollars. Ms. Bettac requested that the City Council review its communication procedures to avoid this situation in the future.

\*

\*

\*

*Item # 9* Mayor Cooper read the following caption.

**A request to replat property located at 172 Katherine Court by George F. Schroeder, owner, represented by Gibbons Surveying & Mapping, to replat Lots 18 & 19, Block 3, CB 5600 into three separate lots currently zoned Multi Family – D**

Community Development Director Ann McGlone presented a PowerPoint presentation that included photos, an existing site plan, a proposed site plan and an easement detail. Ms. McGlone noted that the proposed replat will provide utility and access easements for all three lots. Ms. McGlone informed City Council that the Planning and Zoning Commission had requested City Council obtain an opinion letter from the owner's attorney representing that the Declaration of Covenants, Conditions, Easements and Restrictions, covered all appropriate protections and provisions for the individual lots.

Councilman Rosenthal stated that the Restrictive Covenants are immaterial because the covenants are between private property owners and subordinate to the Code of Ordinances. Ms. McGlone stated that George Schroeder's attorney declined to comply with the recommendation of the Planning and Zoning Commission. City Attorney Mike Brenan has spoken with Mr. Schroeder's attorney and letter is not appropriate.

A motion for approval was made by Mayor Pro Tem Souter. The motion was seconded by Councilman McCormick and passed by unanimous vote.

*Item # 10* Mayor Cooper read the following caption.

#### **ORDINANCE NO. 1823**

**AN ORDINANCE APPROVING AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTIVE A CONTRACT WITH JOERIS GENERAL CONTRACTORS LTD TO PROVIDE CONSTRUCTION MANAGER-AT-RISK SERVICES RELATED TO THE DESIGN AND CONSTRUCTION OF NEW MUNICIPAL FACILITIES**

Assistant City Manager/Public Works Director Shawn P. Eddy compiled Item #'s 10, 11 and 12 into one PowerPoint presentation. Mr. Eddy informed City Council that Project Control

has assisted the City in the selection process to hire all necessary consultants and contractors for the project.

Mr. Eddy stated that competitive processes were conducted to hire qualified firms to provide Construction Manager-At-Risk, cost estimating and geotechnical engineering and materials testing services.

Mr. Eddy reported that five qualified cost estimating firms submitted responses. A committee composed of staff and Project Control recommended AG/CM to provide cost estimating services. The independent estimator will provide the City with independent construction cost estimates throughout the design process and as a check for estimates submitted by the Construction Manager-At-Risk (CMR). Mr. Eddy stated that the Cost Estimator and the CMR will reconcile their independent estimates at each stage in the design process to provide the City with the best possible cost estimate.

Mr. Eddy reported that five qualified geotechnical engineering and materials testing firms submitted responses. A committee composed of staff and Project Control recommended Terracon Consultants, Inc. to provide engineering and materials testing services. This type of service was selected by a Request for Qualifications (RFQ). The total services under this contract are not expected to exceed \$50,000.

Mr. Eddy summarized the bidding process that was conducted for the Construction Manager-At-Risk. The City of Alamo Heights received 16 proposals from qualified firms. The Facility Committee consists of Mayor Louis Cooper, Councilman Bill Kiel, Mayor Pro Tem Jill Souter, City Manager Rebecca Waldman, Assistant City Manager/Public Works Director Shawn Eddy and Community Development Director Ann McGlone. The Facility Committee with input from Project Control recommended Joeris General Contractors Ltd. to provide Construction Manager-At-Risk services at an estimation of \$687,000. Mr. Eddy stated that the City is only committing to \$10,000 in pre-construction services at this time until the decision is made whether or not to proceed with the construction of the project.

Project Managers Dick McNary and Laura Anthony, Project Control, Inc. were present. Gary Joeris and Bill Huber, Joeris General Contractors, were also in attendance.

Mayor Pro Tem Souter asked Mr. McNary to explain the Construction Manager-At-Risk, the geotechnical fees and the need for a separate cost estimator.

Councilman Rosenthal asked about the City's current total cost commitment for all three contracts. Mr. Eddy stated that the geotechnical engineering and material testing contract is currently budgeted to include \$6,000 in pre-construction services and another \$40,000 in services during construction. Pre-construction services for the Construction Manager-At-Risk will be \$10,000 and the cost estimates would total about \$40,000 if all four estimates were provided.

A motion for approval was made by Mayor Pro Tem Souter. The motion was seconded by Councilman Rosenthal and passed by unanimous vote.

*Item # 11* Mayor Cooper read the following caption.

**ORDINANCE NO. 1824**

**AN ORDINANCE APPROVING AND AUTHORIZING THE CITY  
MANAGER TO NEGOTIATE AND EXECUTIVE A CONTRACT  
WITH TERRACON CONSULTANTS, INC., TO PROVIDE  
GEOTECHNICAL ENGINEERING AND MATERIAL TESTING  
SERVICES RELATED TO THE DESIGN AND CONSTRUCTION  
OF NEW MUNICIPAL FACILITIES**

A motion for approval was made by Councilman Kiel. The motion was seconded by Mayor Pro Tem Souter and passed by unanimous vote.

*Item # 12* Mayor Cooper read the following caption.

**ORDINANCE NO. 1825**

**AN ORDINANCE APPROVING AND AUTHORIZING THE CITY  
MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT  
WITH AG/CM, INC. TO PROVIDE COST ESTIMATING  
SERVICES RELATED TO THE DESIGN AND CONSTRUCTION  
OF NEW MUNICIPAL FACILITIES**

A motion for approval was made by Councilman McCormick. The motion was seconded by Councilman Rosenthal and passed by unanimous vote.

\* \* \*

Mayor Pro Tem Souter reminded City Council that House Bill 4144 is pending passage and, if passed, it requires that the City's Comprehensive Plan be updated every three years.

\* \* \*

*Closed Session*

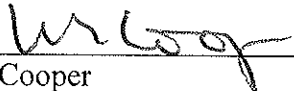
At 8:45 p.m., Mayor Cooper adjourned the regular City Council meeting to conduct a closed meeting as authorized by Section 551.072 of the Texas Government Code to deliberate the purchase, exchange, lease, or value of real property.

\* \* \*

Mayor Cooper reconvened the regular meeting at 9:34 p.m. There was no action taken during the closed session.

\* \* \*

There being no further business, the Mayor called for a motion to adjourn the regular City Council Meeting. Councilman McCormick made a motion to adjourn, seconded by Mayor Pro Tem Souter and the motion was unanimously approved. Mayor Cooper adjourned the meeting at 9:35 p.m.

  
\_\_\_\_\_  
Louis Cooper  
Mayor

  
\_\_\_\_\_  
Jennifer Reyna, TRMC  
City Secretary